

EXHIBIT 6

EXHIBIT 6

FILED

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[Signature]

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

Utilities Incorporated of Central Nevada, a
Nevada Corporation,

Plaintiff,

vs.

Willow Creek Holdings, LLC, a Nevada
Limited Liability Company; Aram Maissian,
Inc., a Nevada Corporation; Jorei Enterprises,
LLC, a California Limited Liability Company;
and Ashland Capital, LLC, a Nevada limited
liability company,

Defendants.

Utilities Inc. of Central Nevada, a Nevada
Corporation,

Plaintiff,

vs.

Ashland Capital, LLC, a Nevada Limited
Liability Company; Jorei Enterprises, LLC, a
California Limited Liability Company; and
Mosier & Company, Inc., in its official
capacity as Permanent Receiver of PEMGroup
and its subsidiaries and affiliates,

Defendants.

and

Lakeview Golf Association, Inc., a Nevada
Limited Liability Corporation,

Plaintiff,

vs.

Ashland Capital, LLC, a Nevada Limited

Case No. CV 27399

Dept No. 1

**ORDER HOLDING JAMES SCOTT (A/K/A JIM
SCOTT), ASHLAND CAPITAL, LLC, AND
CALDERA P & G IN CONTEMPT OF COURT;
AND JUDGMENT**

Consolidated Case: CV 28780

1 Liability Company,

2 Defendant.

3 **ORDER HOLDING JAMES SCOTT (A/K/A JIM SCOTT), ASHLAND CAPITAL, LLC, AND CALDERA**
 4 **P & G IN CONTEMPT OF COURT; AND JUDGMENT**

5 On March 16, 2012 this Court issued its order to show cause and, pursuant to that order,
 6 on March 30, 2012 the Court held a show cause hearing regarding why this Court should not find
 7 Defendant Ashland Capital, LLC ("Ashland"), James Scott ("Scott"), and Caldera P & G
 8 ("Caldera") in contempt of court for violation of the Preliminary Injunction, filed September 11,
 9 2009 in CV 28780. The September 11, 2009 order required Ashland's maintenance of the
 10 effluent storage ponds at the Willow Creek Golf Course in a manner to avoid organic
 11 contamination of the effluent stored therein and in compliance with the regulatory and legal
 12 requirements under Nevada law including those imposed by the Nevada Division of Water
 13 Resources under the discharge permit issued to the Willow Creek golf course. Laura Granier and
 14 Courtney Miller O'Mara appeared on behalf of UICN. Timothy Post appeared on behalf of
 15 James Scott and Caldera. No attorney appeared on behalf of Ashland; however, Mr. Scott
 16 testified to having been in control of Ashland and Caldera P & G during all times relevant to this
 17 matter.
 18

19 The Court finds as follows:

20 A. All orders of the Court are important, especially a preliminary injunction that is
 21 designed to prevent hazard and danger to the citizens of a community.

22 B. Ashland was in control of the golf course from December 26, 2008 to October 13,
 23 2011. Scott was the manager of that company during that time. Ashland has a continuing
 24 obligation to comply with the order and cannot avoid such obligation through transfer of the
 25 property.
 26

27 C. Caldera has controlled the golf course since October 13, 2011. Scott is the
 28

1 president and the person responsible for Caldera.

2 D. Scott operates his various companies, including Ashland and Caldera, as what
3 appears to be a shell game.

4 E. None of Ashland, Caldera or Scott followed this Court's preliminary injunction.

5 F. Neither Scott nor the entities he controls, Ashland and Caldera, made any material
6 efforts to comply with the Court's preliminary injunction, and the problems cited in the
7 preliminary injunction continue to this day.

8 G. The poor condition of the golf course ponds that has existed and continued under
9 Mr. Scott's and his various entities' control over the Willow Creek Golf Course presents a
10 continuing danger to the citizens of Nevada.

11 H. The Court finds insufficient Scott's proffered excuse that he could not get a loan
12 with a lis pendens on the property. The Court considered Mr. Scott's testimony provided at the
13 hearing and found it evasive, contentious and in material parts incredible.

14 I. It was the burden of Ashland, Caldera and Scott to demonstrate to the Court why
15 they should not be held in contempt and they have not done so.

16 **NOW, THEREFORE, AND FOR GOOD CAUSE APPEARING IT IS HEREBY**
17 **ORDERED:**

18 1. Scott, Ashland and Caldera are all in contempt of court for failure to obey the
19 Court's preliminary injunction.

20 2. Pursuant to NRS 22.100, Scott, Ashland and Caldera are each fined \$500.

21 3. Pursuant to NRS 22.100, Scott, Ashland and Caldera are directed to make all
22 improvements necessary to bring the Willow Creek Golf Course into compliance with state and
23 local requirements, including completion of the remediation and other requirements NDEP
24 described in the December 22, 2009 letter from the Nevada Department of Environmental
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26
27
28

1 Protection to the then-owner of the Willow Creek Golf Course, Jorei Enterprises, LLC. Such
 2 improvements must be completed no later than Monday, July 2, 2012.

3 4. Pursuant to NRS 22.100, Ashland, Caldera and Scott shall pay to UICN all of
 4 UICN's reasonable expenses, including, without limitation, attorneys' fees incurred as a result of
 5 the contempt.
 6

7 5. Pursuant to NRS 22.100, such amounts assessable against **Ashland** include
 8 UICN's attorneys' fees and costs in addition to other damages UICN incurred by reason of
 9 Ashland's disobedience of the preliminary injunction. Such amounts total \$255,634.97 in
 10 attorneys' fees and costs incurred in this action from September 11, 2009 through the end of
 11 January, 2012, \$101,367.89 in attorneys' fees and costs incurred in this action from February 1,
 12 2012 through trial and the contempt proceedings,¹ \$41,134.42 in attorneys' fees and costs
 13 incurred to defend the federal court class action, \$31,084.89 in attorneys' fees and costs incurred
 14 to defend the state court class action through December 31, 2011, and \$87,286.32 in employee
 15 time, travel and other expenses UICN incurred after the preliminary injunction issued. The total
 16 amount of damages to UICN attributable to Ashland is \$516,508.49.
 17

18 6. Pursuant to NRS 22.100, such amounts assessable against **Caldera** include all of
 19 UICN's attorneys' fees and costs in addition to other damages UICN incurred by reason of
 20 Caldera's disobedience of the preliminary injunction on or after October 13, 2011, when Caldera
 21 became the owner of the property. Such amounts total \$22,472.24 in attorneys' fees and costs
 22 incurred in this action from October 13, 2011 through the end of January, 2012, \$101,367.89 in
 23 attorneys' fees and costs incurred in this action from February 1, 2012 through trial and the
 24 contempt proceedings,² \$10,719.39 in attorneys' fees and costs incurred to defend the state court
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 26

27 ¹ Such fees and costs for the period from February 1, 2012 through March 31, 2012 are
 supported by the Declaration of Wendy Barnett filed with the Court on May 2, 2012.

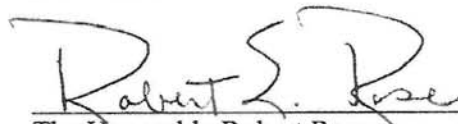
28 ² Such fees and costs for the period from February 1, 2012 through March 31, 2012 are

1 class action from October 13, 2011 through December 31, 2011, and \$543.95 in employee time,
 2 travel and other expenses UICN incurred after October 13, 2011. The total amount of damages
 3 to UICN attributable to Caldera is \$135,103.47.

4 7. Pursuant to NRS 22.100, because **James "Jim" Scott** was the person in control
 5 of both Ashland and Caldera during the relevant time period, Mr. Scott personally owes UICN
 6 \$100,000 as damages caused by Ashland and Caldera's disobedience of the Court's preliminary
 7 injunction.
 8

9 SO ORDERED this 16 day of May, 2012.

10 BY THE COURT:

11 
 12 The Honorable Robert Rose
 13 District Court Judge
 14

15 Respectfully submitted by:

16 
 17 Laura K. Granier, Esq., SBN 7357
 18 Courtney Miller O'Mara, Esq., SBN 10683
 19 LIONEL SAWYER & COLLINS
 20 50 W. Liberty St., Suite 1100
 21 Reno, NV 89501
 22 Telephone: (775) 788-8666
 23 Facsimile: (775) 788-8682
 24 Email: lgranier@lionelsawyer.com
 25 comara@lionelsawyer.com
 26
 27
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supported by the Declaration of Wendy Barnett filed with the Court on May 2, 2012.

EXHIBIT 7

EXHIBIT 7

FILED

2012 AUG -8 P 3:51

AMY DOWERS
NYE COUNTY CLERK
BY DEPUTY

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

Utilities Incorporated of Central Nevada, a
Nevada Corporation,

Case No. CV 27399

Dept No. 1

Plaintiff,

vs.

Willow Creek Holdings, LLC, a Nevada
Limited Liability Company; Aram Maissian,
Inc., a Nevada Corporation; Jorei Enterprises,
LLC, a California Limited Liability Company;
and Ashland Capital, LLC, a Nevada limited
liability company,

**ORDER No. 2 HOLDING JAMES SCOTT (A/K/A
JIM SCOTT), ASHLAND CAPITAL, LLC, AND
CALDERA P & G IN CONTEMPT OF COURT;
AND JUDGMENT**

Defendants.

Utilities Inc. of Central Nevada, a Nevada
Corporation,

Consolidated Case: CV 28780

Plaintiff,

vs.

Ashland Capital, LLC, a Nevada Limited
Liability Company; Jorei Enterprises, LLC, a
California Limited Liability Company; and
Mosier & Company, Inc., in its official
capacity as Permanent Receiver of PEMGroup
and its subsidiaries and affiliates,

Defendants.

and

Lakeview Golf Association, Inc., a Nevada
Limited Liability Corporation,

Plaintiff,

vs.

Ashland Capital, LLC, a Nevada Limited
Liability Company,

Defendant.

ORDER NO. 2 HOLDING JAMES SCOTT (A/K/A JIM SCOTT), ASHLAND CAPITAL, LLC, AND CALDERA P & G IN CONTEMPT OF COURT; AND JUDGMENT

On March 30, 2012, this Court found JAMES SCOTT (A/K/A JIM SCOTT), ASHLAND CAPITAL, LLC, AND CALDERA P & G IN CONTEMPT OF COURT and subsequently issued a written Order and Judgment to that effect (the "Contempt Order"). The Contempt Order stated that Defendant Ashland Capital, LLC ("Ashland"), James Scott ("Scott"), and Caldera P & G ("Caldera") were directed to make all improvements necessary to bring the Willow Creek Golf Course into compliance with state and local requirements, including completion of the remediation and other requirements NDEP described in the December 22, 2009 letter from the Nevada Department of Environmental Protection to the then-owner of the Willow Creek Golf Course, Jorei Enterprises, LLC. Such improvements were to be completed no later than Monday, July 2, 2012.

On motion of Plaintiff Utilities, Inc. of Central Nevada ("Plaintiff" or "UICN"), this Court issued its order to show cause on July 23, 2012, and, pursuant to that order, on August 2, 2012 the Court held a show cause hearing regarding why this Court should not find Defendant Ashland, Scott, and Caldera in contempt of court for violation of the Contempt Order.

Laura Granier and Jordan Davis appeared on behalf of UICN. David O'Mara appeared telephonically on behalf of Lakeview Golf Association, Inc. ("Lakeview"). Timothy Post appeared on behalf of Scott and Caldera. No attorney appeared on behalf of Ashland; however, Mr. Scott testified to having been in control of Ashland and Caldera during all times relevant to this matter.

The Court finds as follows:

A. The Court's findings in the Contempt Order issued following the March 30, 2012 hearing are incorporated herein.

1 B. The Court finds the testimony presented by Wendy Barnett, Regional Director for
 2 Utilities, Inc., on August 2, 2012 credible and convincing. The Court further finds Caldera,
 3 Scott, and Ashland in contempt for having violated this Court's ruling on March 30, 2012 and
 4 the Contempt Order. Based on the evidence presented the Court finds that the ponds at the
 5 Willow Creek Golf Course have not been remediated as required by the Nevada Division of
 6 Environmental Protection ("NDEP") and this Court's prior orders. In fact, the ponds at issue are
 7 in significantly worse condition now than they were in March 2012. Defendants' refusal to
 8 comply with the Court's order continues to present a health risk to the community.

10 **NOW, THEREFORE, AND FOR GOOD CAUSE APPEARING IT IS HEREBY**
 11 **ORDERED:**

12 1. Scott, Ashland and Caldera are all in contempt of court for failure to obey the
 13 Court's Contempt Order.

14 2. Pursuant to NRS 22.100, Scott, Ashland and Caldera are directed to make all
 15 improvements necessary to bring the Willow Creek Golf Course into compliance with state and
 16 local requirements, including completion of the remediation and other requirements NDEP
 17 described in its letters regarding the Willow Creek Golf Course ponds in December 22, 2009 and
 18 thereafter including NDEP's Finding of Alleged Violation.

19 3. Pursuant to NRS 22.100 Mr. Scott individually and his entities Ashland and
 20 Caldera shall be liable to ensure full payment to UICN and Lakeview of all fees and costs and
 21 other damages incurred by UICN and Lakeview respectively as a result of Scott, Ashland and
 22 Caldera's continuing refusal to comply with this Court's orders.

23 4. UICN and Lakeview shall submit evidence to this Court of the amount of fees and
 24 costs incurred as a result of Caldera and Scott's refusal to comply with this Court's Contempt
 25 Order and Scott individually and his entities, Caldera and Ashland shall be responsible for
 26

1 payment of awarded damages within ten days of the Court's entry of order granting such award.

2 5. Caldera and Scott are hereby ordered to provide biweekly reports to this Court
3 and all parties on their progress in working on remediation of the Willow Creek Golf Course
4 ponds.

5 6. Scott and Caldera shall coordinate such remediation efforts with NDEP, UICN
6 and Lakeview to ensure that actions taken do not interfere with UICN's operation of Waste
7 Water Treatment Plant 3 or Lakeview's continuing receipt of up to 425,000 gallons of effluent
8 per day at Lakeview's discretion.

9 7. Caldera and Scott shall submit all plans for remediation to NDEP for review and
10 approval prior to construction. Caldera and Scott are ordered to submit evidence of such
11 submission to NDEP to this Court and all parties in the biweekly reports including any response
12 from NDEP to such submissions.

13 8. Within one week of receiving any required approval from NDEP for the
14 remediation plan or notification that no formal approval is required, Caldera and Scott are
15 ordered to hire a contractor to complete the work and provide a copy of the contract to the Court
16 and all parties. The construction contract for remediation of the ponds shall include a time line
17 for the remediation ordered by this Court including delivery time for parts and any necessary
18 permits for construction.

19 9. Caldera and Scott shall ensure, consistent with the Operations Manual for the
20 Willow Creek Golf Course Ponds signed by James Scott in July 2010, that the operating depth of
21 the ponds will maintain a height no less than one foot above the intake. Any depth less than one
22 foot will cause sediment to be pulled into the intake and put into the irrigation system causing
23 damage to the system.

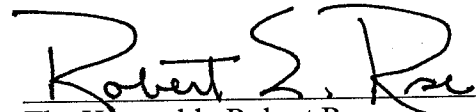
24 10. It is further ordered that Mr. Scott shall appear for a deposition concerning his
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1 financial condition and that of his corporations within 45 days from August 2, 2012.

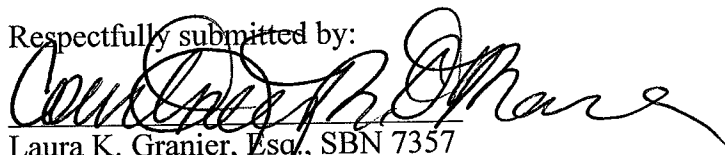
2 11. A hearing shall be set to be conducted for at least one day in September 2012 to
3 review Caldera and Scott's compliance with this Court's order and if evidence is not presented
4 that satisfies the Court of Caldera and Scott's compliance with the Court's order the Court shall
5 further sanction Mr. Scott and his entities including possible jail time.
6

7 SO ORDERED this 3 day of August, 2012.

8 BY THE COURT:

9
10 
11 The Honorable Robert Rose
12 District Court Judge

13 Respectfully submitted by:

14 
15 Laura K. Granier, Esq., SBN 7357
16 Courtney Miller O'Mara, Esq., SBN 10683
17 LIONEL SAWYER & COLLINS

18 50 W. Liberty St., Suite 1100
19 Reno, NV 89501

20 Telephone: (775) 788-8666

21 Facsimile: (775) 788-8682

22 Email: lgranier@lionelsawyer.com

23 comara@lionelsawyer.com
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to N.R.C.P. 5(b), I certify that I am an employee of Lionel Sawyer & Collins and not a party to, nor interested in, the within action; that on August 6, 2012, a true and correct copy of the foregoing document was enclosed in a sealed envelope and served to the following in the manner noted below:

Randolph L. Howard, Esq.
Kolesar & Leatham
400 S. Rampart Blvd., Suite 400
Las Vegas, Nevada 89145
Attorney for Defendant Jorei Enterprises, LLC

**VIA U.S. MAIL
AND EMAIL**

William M. O'Mara, Esq.
David C. O'Mara, Esq.
The O'Mara Law Firm
311 East Liberty Street
Reno, Nevada 89501
Attorneys for Intervenor Lakeview Golf Association, Inc.

**VIA U.S. MAIL
AND EMAIL**

Ashland Capital, LLC
c/o James Scott
1500 W. El Camino, Suite 211
Sacramento, California 95833

VIA U.S. MAIL

Ashland Capital, LLC
c/o Susan Trimboli, Resident Agent
8290 W Sahara Avenue, Suite 186
Las Vegas, Nevada 89117

VIA U.S. MAIL

Timothy Post, Esq.
736 S. Center Street
Reno, Nevada 89501

**VIA U.S. MAIL
AND EMAIL**

*Attorney for James Scott and
Caldera P & G*

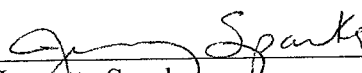

Jeanette Sparks

EXHIBIT 8

EXHIBIT 8

FILED

2012 SEP 19 P 1:43

SANDRA ANGELONE
NYE COUNTY CLERK
BY DEPUTY

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

Utilities Incorporated of Central Nevada, a
Nevada Corporation,

Plaintiff,

vs.

Willow Creek Holdings, LLC, a Nevada
Limited Liability Company; Aram Maissian,
Inc., a Nevada Corporation; Jorei Enterprises,
LLC, a California Limited Liability Company;
and Ashland Capital, LLC, a Nevada limited
liability company,

Defendants.

Utilities Inc. of Central Nevada, a Nevada
Corporation,

Plaintiff,

vs.

Ashland Capital, LLC, a Nevada Limited
Liability Company; Jorei Enterprises, LLC, a
California Limited Liability Company; and
Mosier & Company, Inc., in its official
capacity as Permanent Receiver of PEMGroup
and its subsidiaries and affiliates,

Defendants.

and

Lakeview Golf Association, Inc., a Nevada
Limited Liability Corporation,

Plaintiff,

vs.

Case No. CV 27399

Dept No. 1

ORDER NO. 3 HOLDING JAMES SCOTT (A/K/A
JIM SCOTT), ASHLAND CAPITAL, LLC, AND
CALDERA P & G IN CONTEMPT OF COURT;
AND JUDGMENT

Consolidated Case: CV 28780

Ashland Capital, LLC, a Nevada Limited Liability Company,

Defendant.

ORDER NO. 3 HOLDING JAMES SCOTT (A/K/A JIM SCOTT), ASHLAND CAPITAL, LLC, AND CALDERA P & G IN CONTEMPT OF COURT; AND JUDGMENT

On March 30, 2012, this Court found JAMES SCOTT (A/K/A JIM SCOTT), ASHLAND CAPITAL, LLC, AND CALDERA P & G IN CONTEMPT OF COURT and subsequently issued a written Order and Judgment to that effect ("Contempt Order No. 1"). Contempt Order No. 1 stated that Defendant Ashland Capital, LLC ("Ashland"), James Scott ("Scott"), and Caldera P & G ("Caldera") were directed to make all improvements necessary to bring the Willow Creek Golf Course into compliance with state and local requirements, including completion of the remediation and other requirements NDEP described in the December 22, 2009 letter from the Nevada Department of Environmental Protection to the then-owner of the Willow Creek Golf Course, Jorei Enterprises, LLC. In addition, Mr. Scott, Ashland and Caldera were to complete any remediation of the Willow Creek Golf Course ponds necessary to avoid continuing organic contamination of the effluent stored in those ponds. Such improvements were to be completed no later than Monday, July 2, 2012.

On August 2, 2012, this Court again found JAMES SCOTT (A/K/A JIM SCOTT), ASHLAND CAPITAL, LLC, AND CALDERA P & G IN CONTEMPT OF COURT and subsequently issued a written Order and Judgment to that effect ("Contempt Order No. 2"). Contempt Order No. 2 stated Scott, Ashland and Caldera are directed to make all improvements necessary to bring the Willow Creek Golf Course into compliance with state and local requirements, including completion of the remediation and other requirements NDEP described in its letter regarding the Willow Creek Golf Course ponds on December 22, 2009 and thereafter including NDEP's Finding of Alleged Violation. Scott and Caldera were ordered to, *inter alia*:

1. provide biweekly reports to this Court and all parties on their progress in working on remediation of the Willow Creek Golf Course ponds;
2. coordinate such remediation efforts with NDEP, UICN and Lakeview to ensure

1 that actions taken do not interfere with UICN's operation of Waste Water
 2 Treatment Plant 3 or Lakeview's continuing receipt of up to 425,000 gallons of
 3 effluent per day at Lakeview's discretion; and

- 4 3. submit all plans for remediation to NDEP for review and approval prior to
 5 construction. Caldera and Scott were ordered to submit evidence of such
 6 submission to NDEP to this Court and all parties in the biweekly reports including
 7 any response from NDEP to such submissions.

8 A hearing was set for September 6, 2012 to review Caldera and Scott's compliance with
 9 this Court's Contempt Orders. Laura Granier appeared on behalf of UICN. David O'Mara
 10 appeared on behalf of Lakeview Golf Association, Inc. ("Lakeview"). Timothy Post appeared on
 11 behalf of Scott and Caldera. No attorney appeared on behalf of Ashland; however, Mr. Scott
 12 testified to having been in control of Ashland and Caldera during all times relevant to this matter.

13 The Court finds as follows:

14 A. The Court's findings in Contempt Order No. 1 issued following the March 30,
 15 2012 hearing are incorporated herein.

16 B. The Court's findings in Contempt Order No. 2 issued following the August 2,
 17 2012 hearing are incorporated herein.

18 C. The Court finds the testimony presented by Wendy Barnett, Regional Director for
 19 Utilities, Inc., on September 6, 2012 credible and convincing. The Court further finds Caldera,
 20 Scott, and Ashland in contempt for having violated this Court's rulings on March 30, 2012 and
 21 August 2, 2012, and the Contempt Orders. Although Mr. Scott has taken some action to begin
 22 compliance with those orders, he and his entities have failed to fully comply with this Court's
 23 orders. For example, Mr. Scott and his entities have failed to cooperate with UICN and
 24 Lakeview as required by the Court's orders. Nor has Mr. Scott or his entities put up the required
 25 signs at the ponds. Based on the evidence presented the Court finds that the ponds at the Willow
 26 Creek Golf Course have not been remediated as required by the Nevada Division of
 27
 28

1 Environmental Protection ("NDEP") and this Court's prior orders. The Court finds that Mr.
2 Scott's and his entities' failure to remediate the ponds leaves them in a continuing condition that
3 presents a clear and present danger to the community and those in and about the ponds and the
4 golf courses. Defendants' refusal to comply with the Court's order continues to present a health
5 risk to the community.
6

7 **NOW, THEREFORE, AND FOR GOOD CAUSE APPEARING IT IS HEREBY**
8 **ORDERED:**

9 1. Scott, Ashland and Caldera are all in contempt of court for failure to obey the
10 Court's Contempt Order and, pursuant to NRS 22.100, each are hereby fined \$500.

11 2. Pursuant to NRS 22.100, Scott, Ashland and Caldera are directed to make all
12 improvements necessary to bring the Willow Creek Golf Course into compliance with state and
13 local requirements, including completion of the remediation and other requirements NDEP
14 described in its letter regarding the Willow Creek Golf Course ponds on December 22, 2009 and
15 thereafter including NDEP's Finding of Alleged Violation. Scott, Ashland and Caldera shall
16 complete all remediation to the Willow Creek Golf Course ponds necessary to avoid continuing
17 organic contamination of the effluent stored therein.
18

19 3. Pursuant to NRS 22.100 Mr. Scott individually and his entities Ashland and
20 Caldera shall be liable to ensure full payment to UICN and Lakeview of all fees and costs and
21 other damages incurred by UICN and Lakeview respectively as a result of Scott, Ashland and
22 Caldera's continuing refusal to comply with this Court's orders.
23

24 4. UICN and Lakeview shall submit evidence to this Court of the amount of fees and
25 costs incurred as a result of Caldera and Scott's refusal to comply with this Court's Contempt
26 Order and Scott individually and his entities, Caldera and Ashland shall be responsible for
27 payment of awarded damages within ten days of receipt of the declaration of fees and costs from
28

1 each of the respective parties.

2 5. Caldera and Scott are hereby ordered to continue providing biweekly reports to
3 this Court and all parties on their progress in working on remediation of the Willow Creek Golf
4 Course ponds.

5 6. Scott and Caldera shall coordinate such remediation efforts with NDEP, UICN
6 and Lakeview to ensure that actions taken do not interfere with UICN's operation of Waste
7 Water Treatment Plant 3 or Lakeview's continuing receipt of up to 425,000 gallons of effluent
8 per day at Lakeview's discretion. Mr. Scott and his entities shall allow UICN and Lakeview to
9 inspect construction to the ponds as it begins and goes forward until completion and provide all
10 plans and information about the construction and any contractors to UICN and Lakeview as
11 planning goes forward.
12

13 7. Within one week of receiving any required approval from NDEP for the
14 remediation plan or notification that no formal approval is required, Caldera and Scott are
15 ordered to hire a contractor to complete the work and provide a copy of the contract to the Court
16 and all parties. The construction contract for remediation of the ponds shall include a time line
17 for the remediation ordered by this Court including delivery time for parts and any necessary
18 permits for construction.
19

20 8. A hearing is hereby set for one day on October 30, 2012 in Reno unless the
21 parties advise the Court that Mr. Scott is in compliance with this Court's orders and no hearing is
22 necessary OR UICN and/or Lakeview advises the Court that there has been substantial
23 noncompliance with this Court's orders. If the Plaintiff will be requesting that Mr. Scott be
24 jailed for substantial non-compliance, the hearing in Reno shall be vacated and the hearing will
25 be held on November 7, 2012 in Pahrump, Nye County Nevada. The Plaintiff shall notify the
26 Court and parties if it will be seeking a jail sanction by October 23, 2012. At such hearing the
27
28

1 Court will review Caldera and Scott's compliance with this Court's order and if evidence is not
2 presented that satisfies the Court of Caldera and Scott's compliance with the Court's order the
3 Court shall further sanction Mr. Scott and his entities including possible jail time.
4

5 SO ORDERED this ____ day of _____, 2012.

6 BY THE COURT:
7
8

9 _____
10 The Honorable Robert Rose
District Court Judge


11 Respectfully submitted by:

12 
13 Laura K. Granier, Esq., SBN 7357
14 Courtney Miller O'Mara, Esq., SBN 10683
15 LIONEL SAWYER & COLLINS
50 W. Liberty St., Suite 1100
Reno, NV 89501
Telephone: (775) 788-8666
Facsimile: (775) 788-8682
Email: lgranier@lionelsawyer.com
comara@lionelsawyer.com
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1 Court will review Caldera and Scott's compliance with this Court's order and if evidence is not
2 presented that satisfies the Court of Caldera and Scott's compliance with the Court's order the
3 Court shall further sanction Mr. Scott and his entities including possible jail time.

4
5 SO ORDERED this 17th day of September, 2012.

6 BY THE COURT:

7 
8 The Honorable Robert Rose
9 District Court Judge

10
11 Respectfully submitted by:

12  for
13 Laura K. Granier, Esq., SBN 7357
14 Courtney Miller O'Mara, Esq., SBN 10683
15 LIONEL SAWYER & COLLINS
16 50 W. Liberty St., Suite 1100
17 Reno, NV 89501
18 Telephone: (775) 788-8666
19 Facsimile: (775) 788-8682
20 Email: lgranier@lionelsawyer.com
21 comara@lionelsawyer.com

CERTIFICATE OF SERVICE

Pursuant to N.R.C.P. 5(b), I certify that I am an employee of Lionel Sawyer & Collins and not a party to, nor interested in, the within action; that on September 18, 2012, a true and correct copy of the foregoing document was enclosed in a sealed envelope and served to the following in the manner noted below:

Randolph L. Howard, Esq.
Kolesar & Leatham
400 S. Rampart Blvd., Suite 400
Las Vegas, Nevada 89145
Attorney for Defendant Jorei Enterprises, LLC

**VIA U.S. MAIL
AND EMAIL**

William M. O'Mara, Esq.
David C. O'Mara, Esq.
The O'Mara Law Firm
311 East Liberty Street
Reno, Nevada 89501
Attorneys for Intervenor Lakeview Golf Association, Inc.

**VIA U.S. MAIL
AND EMAIL**

Ashland Capital, LLC
c/o James Scott
1500 W. El Camino, Suite 211
Sacramento, California 95833

VIA U.S. MAIL

Ashland Capital, LLC
c/o Susan Trimboli, Resident Agent
8290 W Sahara Avenue, Suite 186
Las Vegas, Nevada 89117

VIA U.S. MAIL

Timothy Post, Esq.
736 S. Center Street
Reno, Nevada 89501

**VIA U.S. MAIL
AND EMAIL**

*Attorney for James Scott and
Caldera P & G*

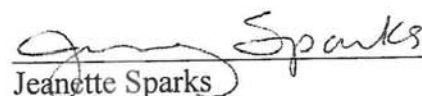

Jeanette Sparks

EXHIBIT 9

EXHIBIT 9

FILED
FIFTH JUDICIAL DISTRICT

NOV 07 2012

Nye County Clerk

Deputy

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

Utilities Incorporated of Central Nevada, a
Nevada Corporation,

Case No. CV 27399

Plaintiff,

Dept No. 1

vs.

**ORDER NO. 4 HOLDING JAMES SCOTT (A/K/A
JIM SCOTT), AND ASHLAND CAPITAL, LLC,
IN CONTEMPT OF COURT; AND JUDGMENT**

Willow Creek Holdings, LLC, a Nevada
Limited Liability Company; Aram Maissian,
Inc., a Nevada Corporation; Jorei Enterprises,
LLC, a California Limited Liability Company;
and Ashland Capital, LLC, a Nevada limited
liability company,

Defendants.

Utilities Inc. of Central Nevada, a Nevada
Corporation,

Consolidated Case: CV 28780

Plaintiff,

vs.

Ashland Capital, LLC, a Nevada Limited
Liability Company; Jorei Enterprises, LLC, a
California Limited Liability Company; and
Mosier & Company, Inc., in its official
capacity as Permanent Receiver of PEMGroup
and its subsidiaries and affiliates,

Defendants.

and

Lakeview Golf Association, Inc., a Nevada
Limited Liability Corporation,

Plaintiff,

vs.

Ashland Capital, LLC, a Nevada Limited
Liability Company,

Defendant.

**ORDER NO. 4 HOLDING JAMES SCOTT (A/K/A JIM SCOTT), AND ASHLAND
CAPITAL, LLC IN CONTEMPT OF COURT; AND JUDGMENT**

HISTORY OF CONTEMPT PROCEEDINGS

On March 30, 2012, this Court found **JAMES SCOTT (A/K/A JIM SCOTT), AND ASHLAND CAPITAL, LLC IN CONTEMPT OF COURT** and subsequently issued a written Order and Judgment to that effect ("Contempt Order No. 1"). Contempt Order No. 1 stated that Defendant Ashland Capital, LLC ("Ashland"), and James Scott ("Scott") were directed to make all improvements necessary to bring the Willow Creek Golf Course into compliance with state and local requirements, including completion of the remediation and other requirements NDEP described in the December 22, 2009 letter from the Nevada Department of Environmental Protection to the then-owner of the Willow Creek Golf Course, Jorei Enterprises, LLC. In addition, Mr. Scott, Ashland and Caldera were to complete any remediation of the Willow Creek Golf Course ponds necessary to avoid continuing organic contamination of the effluent stored in those ponds. Such improvements were to be completed no later than Monday, July 2, 2012.

On August 2, 2012, this Court again found **JAMES SCOTT (A/K/A JIM SCOTT), ASHLAND CAPITAL, LLC, AND CALDERA P & G IN CONTEMPT OF COURT** and subsequently issued a written Order and Judgment to that effect ("Contempt Order No. 2"). Contempt Order No. 2 stated Scott, Ashland and Caldera are directed to make all improvements necessary to bring the Willow Creek Golf Course into compliance with state and local requirements, including completion of the remediation and other requirements NDEP described in its letter regarding the Willow Creek Golf Course ponds on December 22, 2009 and thereafter including NDEP's Finding of Alleged Violation. Scott and Caldera were ordered to, *inter alia*:

1. provide biweekly reports to this Court and all parties on their progress in working on remediation of the Willow Creek Golf Course ponds;
2. coordinate such remediation efforts with NDEP, UICN and Lakeview to ensure

1 that actions taken do not interfere with UICN's operation of Waste Water
 2 Treatment Plant 3 or Lakeview's continuing receipt of up to 425,000 gallons of
 3 effluent per day at Lakeview's discretion; and

- 4 3. submit all plans for remediation to NDEP for review and approval prior to
 5 construction. Caldera and Scott were ordered to submit evidence of such
 6 submission to NDEP to this Court and all parties in the biweekly reports including
 7 any response from NDEP to such submissions.

8 On September 6, 2012, this Court again found JAMES SCOTT (A/K/A JIM SCOTT),
 9 ASHLAND CAPITAL, LLC, AND CALDERA P & G IN CONTEMPT OF COURT and subsequently
 10 issued a written Order and Judgment to that effect ("Contempt Order No. 3"). Contempt Order
 11 No. 3 stated Scott, Ashland and Caldera are directed to make all improvements necessary to
 12 bring the Willow Creek Golf Course into compliance with state and local requirements,
 13 including completion of the remediation and other requirements NDEP described in its letter
 14 regarding the Willow Creek Golf Course ponds on December 22, 2009 and thereafter including
 15 NDEP's Finding of Alleged Violation. Scott and Caldera were ordered to, *inter alia*:

- 16 1. Ensure full payment to UICN and Lakeview of all fees and costs and other
 17 damages incurred by UICN and Lakeview as a result of Scott, Ashland and
 18 Caldera's continuing refusal to comply with this Court's orders. Scott, Ashland
 19 and Caldera were found to be responsible for payment of awarded damages (the
 20 fees and costs incurred by UICN and Lakeview as a result of Caldera and Scott's
 21 refusal to comply with this Court's Contempt Order, as evidenced by their
 22 submission of a declaration of fees and costs) within ten days of receipt of a
 23 declaration of fees and costs from UICN and/or Lakeview.
 24 2. Continue providing biweekly reports to this Court and all parties on their progress
 25 in working on remediation of the Willow Creek Golf Course ponds.
 26 3. Coordinate such remediation efforts with NDEP, UICN and Lakeview to ensure
 27 that actions taken do not interfere with UICN's operation of Waste Water
 28 Treatment Plant 3 or Lakeview's continuing receipt of up to 425,000 gallons of

1 effluent per day at Lakeview's discretion. Mr. Scott and his entities were ordered
 2 to allow UICN and Lakeview to inspect construction to the ponds as it begins and
 3 goes forward until completion and provide all plans and information about the
 4 construction and any contractors to UICN and Lakeview as planning goes
 5 forward.

6 4. Caldera and Scott were ordered, within one week of receiving any required
 7 approval from NDEP for the remediation plan or notification that no formal
 8 approval is required, to hire a contractor to complete the work and provide a copy
 9 of the contract to the Court and all parties. The construction contract for
 10 remediation of the ponds is to include a time line for the remediation ordered by
 11 this Court including delivery time for parts and any necessary permits for
 12 construction.

13 5. Appear for a further hearing, as set by this Court.

14 **CONTEMPT PROCEEDINGS OF NOVEMBER 7, 2012**

15 A hearing was set for November 7, 2012 to review Caldera and Scott's compliance with
 16 this Court's Contempt Orders. Laura Granier appeared on behalf of UICN. Timothy Post
 17 appeared on behalf of Scott and Caldera. No attorney appeared on behalf of Ashland; however,
 18 Mr. Scott testified to having been in control of Ashland and Caldera during all times relevant to
 19 this matter. This Court was notified that Caldera P&G filed bankruptcy late last night and,
 20 therefore, until this Court is notified the automatic stay has been lifted with respect to Caldera
 21 P&G for purposes of this case, this Court will take no action against that entity. The Court will
 22 however proceed against Ashland and Scott.

23 The Court finds as follows:

24 A. The Court's findings in Contempt Order No. 1 issued following the March 30,
 25 2012 hearing are incorporated herein.

26 B. The Court's findings in Contempt Order No. 2 issued following the August 2,
 27 2012 hearing are incorporated herein.
 28

1 C. The Court's findings in Contempt Order No. 3 issued following the September 6,
2 2012 hearing are incorporated herein.

3 D. The Court finds the testimony presented by Wendy Barnett, Regional Director for
4 Utilities, Inc., on November 7, 2012 credible and convincing. The Court further finds Scott and
5 Ashland in contempt for having violated this Court's rulings on March 30, 2012 and August 2,
6 2012, and the Contempt Orders. Although Mr. Scott has taken some action to begin compliance
7 with those orders, he and his entities have failed to fully comply with this Court's orders. Based
8 on the evidence presented the Court finds that the ponds at the Willow Creek Golf Course have
9 not been remediated as required by the Nevada Division of Environmental Protection ("NDEP")
10 and this Court's prior orders. The Court finds that Mr. Scott's and his entities' failure to
11 remediate the ponds leaves them in a continuing condition that presents a clear and present
12 danger to the community and those in and about the ponds and the golf courses. Defendants'
13 refusal to comply with the Court's order continues to present a health risk to the community.
14 This Court further finds that Mr. Scott and Ashland have disregarded and intentionally refused to
15 comply with the orders of this Court.
16
17

18 **NOW, THEREFORE, AND FOR GOOD CAUSE APPEARING IT IS HEREBY**
19 **ORDERED:**

20 1. Scott and Ashland are in contempt of court for failure to obey the Court's
21 Contempt Order and, pursuant to NRS 22.100, each are hereby fined \$500. Mr. Scott shall be
22 jailed for 21 days, *He is further ordered to* ~~or until he~~ produces all documents requested by UICN for and related to its
23 debtors' examination and provides written satisfactory instructions to UICN and the trustee
24 appointed for Caldera P&G to operate the irrigation system at the Willow Creek Golf Course.
25

26 2. Pursuant to NRS 22.100, Scott is directed to cooperate with the trustee appointed
27 for Caldera P&G and UICN to make all improvements necessary to bring the Willow Creek Golf
28

1 Course into compliance with state and local requirements, including completion of the
 2 remediation and other requirements NDEP described in its letter regarding the Willow Creek
 3 Golf Course ponds on December 22, 2009 and thereafter including NDEP's Finding of Alleged
 4 Violation. Scott shall cooperate with the Caldera P&G Trustee and UICN to ensure completion
 5 of all remediation to the Willow Creek Golf Course ponds necessary to avoid continuing organic
 6 contamination of the effluent stored therein. Mr. Scott shall produce all documents and
 7 information to UICN to assist in its collection of all fees and costs awarded to UICN in this case
 8 and payment of all fines imposed by this Court.
 9

10 3. Pursuant to NRS 22.100 Mr. Scott individually and his entity Ashland shall be
 11 liable to ensure full payment to UICN and Lakeview of all fees and costs and other damages
 12 incurred by UICN and Lakeview respectively as a result of Scott, and Ashland's continuing
 13 refusal to comply with this Court's orders.
 14

15 4. UICN and Lakeview shall submit evidence to this Court of the amount of fees and
 16 costs incurred as a result of Scott's refusal to comply with this Court's Contempt Order and Scott
 17 individually and his entities, and Ashland shall be responsible for payment of awarded damages
 18 within ten days of receipt of the declaration of fees and costs from each of the respective parties.
 19

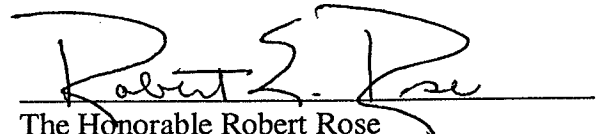
20 5. Scott is hereby ordered to continue providing biweekly reports to this Court and
 21 all parties on their progress in working on remediation of the Willow Creek Golf Course ponds
 22 to the extent he continues to be involved in same.

23 6. A hearing is hereby set for one day on Dec. 20, 2012 ^{at 9³⁰ AM} in Reno unless the parties
 24 advise the Court that Mr. Scott is in compliance with this Court's orders and no hearing is
 25 necessary OR UICN and/or Lakeview advises the Court that there has been substantial
 26 noncompliance with this Court's orders. If the Plaintiff will be requesting that Mr. Scott be
 27 jailed for substantial non-compliance, the hearing in Reno shall be vacated and the hearing will
 28

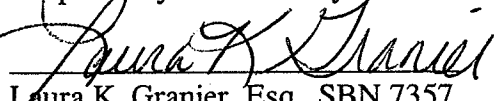
at 9³⁰ AM
be held on Dec. 27, 2012 in Pahrump, Nye County Nevada. The Plaintiff shall notify the
Court and parties if it will be seeking a jail sanction by Dec. 14, 2012. At such hearing the
Court will review Caldera and Scott's compliance with this Court's order and if evidence is not
presented that satisfies the Court of Scott's compliance with the Court's order the Court shall
further sanction Mr. Scott and his entities including possible jail time.

SO ORDERED this 7th day of November, 2012.

BY THE COURT:


The Honorable Robert Rose
District Court Judge

Respectfully submitted by:


Laura K. Granier, Esq., SBN 7357
Courtney Miller O'Mara, Esq., SBN 10683
LIONEL SAWYER & COLLINS
50 W. Liberty St., Suite 1100
Reno, NV 89501
Telephone: (775) 788-8666
Facsimile: (775) 788-8682
Email: lgranier@lionelsawyer.com
comara@lionelsawyer.com